

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY LEONARD, IN HIS CAPACITY AS
TRUSTEE OF THE POPLAWSKI 2008
INSURANCE TRUST; PHYLLIS POPLAWSKI;
PBR PARTNERS, BRIGHTON TRUSTEES,
LLC, on behalf of and as trustee for COOK
STREET MASTER TRUST III; BANK OF
UTAH, solely as security intermediary for COOK
STREET MASTER TRUST III; PEAK TRUST
COMPANY, AK, on behalf of and as trustee for
SUSAN L. CICIORA TRUST and STEWART
WEST INDIES TRUST; and ADVANCE TRUST
& LIFE ESCROW SERVICES, LTA, as
securities intermediary for LIFE PARTNERS
POSITION HOLDER TRUST, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

JOHN HANCOCK LIFE INSURANCE
COMPANY OF NEW YORK and JOHN
HANCOCK LIFE INSURANCE COMPANY
(U.S.A.),

Defendants.

Civil Action No. 18-cv-04994-AKH

**NOTICE OF PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL AND CLASS
CERTIFICATION**

PLEASE TAKE NOTICE that Plaintiffs, as individuals and on behalf of the class of policy owners proposed to be certified for purposes of settlement, move this Court before the Honorable Alvin K. Hellerstein for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure: (i) preliminarily approving the Settlement and distribution plan; (ii) preliminarily certifying the Settlement Class and appointing Plaintiffs as Class Representatives and Susman Godfrey L.L.P. as Class Counsel for purposes of the Settlement; (iii) approving the form and

manner of notice to the Settlement Class, directing notice under Rule 23(e)(1); and (iv) scheduling a final approval hearing at which the Court will consider final approval of the Settlement, final approval of the distribution plan, and Class Counsel's motion for fees and costs, based on the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval and Class Certification, the supporting Declarations of Seth Ard, Hon. James C. Francis IV (Ret.), and Gina M. Intrepido-Bowden, and the exhibits attached thereto.

Dated: December 30, 2021

/s/Seth Ard

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